

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 08-10367

DEANNA HAWKINS,

Defendant.

**OPINION AND ORDER DIRECTING THIRD-PARTY WITNESSES
TO PRODUCE CERTAIN DOCUMENTS**

On June 4, 2010, the court ordered third-party witnesses Liss, Seder, & Andrews, P.C. (“the Firm”), and attorney Arthur Y. Liss (“Liss”) to produce to the court for in camera review all of the documents listed in the “Privilege Log Relative to Communication with Dean Greenblatt.” The third-party witnesses produced 130 documents, and the court inspected them to determine whether their claims of privilege were proper. In many cases, the privilege claim was unsupported. Thus, on July 14, 2010, the court ordered the production of many of the documents.

Two documents from the privilege log were missing from those produced to the court: numbers 103 and 128. Accordingly, in the July 14, 2010 order, the court ordered Liss to produce the two documents to the court for in camera review. On July 21, 2010, the court received the missing documents.¹ Document 103 is work product because it is a draft of a motion produced for Defendant. Accordingly, it need not be produced.

¹ The basis of the court’s reasoning regarding these two documents is set out in the July 14, 2010 order and will not be reproduced here.

Document 128, on the other hand, must be produced. There is no underlying confidential communication allowing recourse to the common-interest exception, and the attached documents had already been filed when they were sent so the work product doctrine does not apply.

IT IS ORDERED that the third-party witnesses are DIRECTED to produce document 128 to Plaintiff on or before **September 3, 2010**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 26, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 26, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522